

Pro Se 15 (Rev. 12/16) Complaint for Violation of Civil Rights (Non-Prisoner)

UNITED STATES DISTRICT COURT

for the

Eastern District of Arkansas

Central Division

FILED
U. S. DISTRICT COURT
EASTERN DISTRICT ARKANSAS

APR 30 2020

JAMES W. McCORMACK, CLERK

By: [Signature] DEP CLERK

Brent Lamar Jones

Case No.

4:20-cv-467-BRW

(to be filled in by the Clerk's Office)

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

Little Rock Police Department
Sonshine Motors
Investigator Winfield Hartman

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

Jury Trial: (check one) ☒ Yes ☐ No

This case assigned to District Judge Wilson
and to Magistrate Judge Kearney

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS

(Non-Prisoner Complaint)

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

Pro Se 15 (Rev. 12/16) Complaint for Violation of Civil Rights (Non-Prisoner)

I. The Parties to This Complaint**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	Brent Lamar Jones		
Address	120 Whispering Oak Trail		
	Mabelvale	AR	72103
	City	State	Zip Code
County	Pulaski		
Telephone Number	(501)392-7151		
E-Mail Address	BrentL.Jones501@gmail.com		

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name	Little Rock Police Department		
Job or Title <i>(if known)</i>	Police Department		
Address	700 West Markham Street		
	Little Rock	AR	72201
	City	State	Zip Code
County	Pulaski		
Telephone Number	(501)918-3900		
E-Mail Address <i>(if known)</i>	LRPDChief@LittleRock.gov		
<input type="checkbox"/> Individual capacity <input checked="" type="checkbox"/> Official capacity			

Defendant No. 2

Name	Sonshine Motors		
Job or Title <i>(if known)</i>	used car lot		
Address	319 Miracle Strip Pkwy SW		
	Fort Walton Beach	FL	32547
	City	State	Zip Code
County	Okaloosa		
Telephone Number	(850)226-8818		
E-Mail Address <i>(if known)</i>	sonshinemotors98@gmail.com		
<input type="checkbox"/> Individual capacity <input checked="" type="checkbox"/> Official capacity			

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Defendant No. 3

Name Winfield Hartman

Job or Title *(if known)* Private Investigator at A1A Investigators

Address 1, 9551 Atlantic Blvd #117

Jacksonville FL 32225

City State Zip Code

County Duval

Telephone Number (904)295-3924, (904)323-2396

E-Mail Address *(if known)* info@A1Ainvestigators.com

☒ Individual capacity ☐ Official capacity

Defendant No. 4

Name _____

Job or Title *(if known)* _____

Address _____

City State Zip Code

County _____

Telephone Number _____

E-Mail Address *(if known)* _____

☐ Individual capacity ☐ Official capacity

II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against *(check all that apply)*:

- ☐ Federal officials (a *Bivens* claim)
- ☒ State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?
4th amendment, 14th amendment

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

- D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.
- Little Rock Police Department violated my 4th and 14th amendment rights under color of law by knowingly effecting an illegal arrest against me using false pretense and duress. My 14th amendment right was violated simultaneously when LRPD carried out an illegal vehicle repossession on behalf of Sonshine Motors.
- Investigator Hartman violated my 4th and 14th amendment rights by tracking my cell phone with no warrant and then dispatching local police to effect an illegal car repossession on behalf of Sonshine Motors.

III. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. Where did the events giving rise to your claim(s) occur?
- the gas station at 3704 Asher Ave, Little Rock, AR 72204 is where the unlawful vehicle repossession was enforced by Little Rock Police Department at the expense of my 4th and 14th amendment rights.
- Investigator Hartman, possibly from his office, colluded with a female accomplice with the ability to pinpoint my location from my cell phone. He then colluded with LRPD to concoct the illegal usurpation of my rights and property.
- B. What date and approximate time did the events giving rise to your claim(s) occur?
- Wednesday, December 18th, 2019 at approximately 9am is when the gas station event took place.
- By this point, Hartman had been harassing me and family for months. the last time i heard from him directly was approx. early Sept. 2019. He had a female accomplice track my phone with no warrant and then he relayed to me he had contacted the local police to effect an illegal repo, which they did. Hartman and LRPD were acting on behalf of Sonshine Motors.
- C. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)
- 12/18/19 at approx. 9am I entered the gas station to pay for gas. Inside, we all noticed a police car pull into the lot, slow to a stop, and then pull off and leave. thinking nothing of it I pay for the gas and then go out and pump the gas and am about to pull off when the same police car came flying back into the lot with the lights flashing and parks behind me. without asking who I am they take me out of my vehicle, handcuff me and put me in the back of a car. there were 2 or 3 police cars and multiple officers who were all involved. they then come back and pretend to be surprised that I am the registered owner of the vehicle. and they start asking about my car payments. this is when I respectfully ask them if they are aware police are not allowed to get involved in repossessions(short of replevin). they radio to their superiors and say "the detectives want to speak to you." they steal my car, kidnap me, handcuff me to a table and there I wait for 30-40 minutes. 2 detectives come in eventually and they tape record the brief conversation where they attempt to gaslight me into some coerced admission of guilt. I did not fall for it and on the tape recording I tell them exactly what the law is and how they are in violation and that if they don't check themselves its willful negligence. they try to argue and I refuse and they storm out and charge me with a felony, theft by receiving. I had my DNA swabbed and hours later was just let go. the charge was dropped because I didn't show apprehension.

IV. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

-mental and emotional distress- I was kidnapped and had my vehicle stolen and was then handcuffed to a table and gaslighted by 2 detectives trying to get me to say I had committed a crime just to cover their own illegal activity. After they failed 1 of the detectives said "have fun with your felony theft by receiving charge." and then I was taken to jail where I sat in holding for 4-5 hours for no reason. all they did was fingerprint me, swab and file my DNA without my consent, and then let me go with no bail/bond amount. the officer that swabbed and filed my DNA without my consent even though I protested made a big showing of it and then laughed about it with his coworkers. I have already been diagnosed with depression/social anxiety and this incident exacerbated it.

-loss of wage/wage prevention- not able to obtain or maintain suitable or stable employment due to my vehicle being stolen and then being erroneously branded with a felony. this prevented me from accepting multiple positions that would have permitted me use of a company vehicle in the absence of the 1 that was stolen from me via unlawful repossession.

-mortgage delinquency- currently in jeopardy of foreclosure/homelessness due only to the fact my car was stolen and I don't live near gainful, suitable employment

V. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

I want my DNA sample that was taken on 12/18/19 by Little Rock Police Department to be destroyed from all records and databases. the basis for this claim is that there was no legal basis for me to even be locked inside the jail getting my DNA orally swabbed to begin with.

I am seeking \$500,000 in compensatory and punitive damages. the basis for this claim is the mental anguish and humiliation along with the willful and egregious violation of my 4th and 14th amendment rights since I informed all parties prior of the relevant law and it was intentionally disregarded and I was then vilified and incarcerated. an additional basis is to effectively define the legal parameters of legal law enforcement involvement in private/civil/repossession matters.

VI. Certification and Closing


Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 4/30/2020

Signature of Plaintiff



Printed Name of Plaintiff Brent Lamar Jones

B. For Attorneys

Date of signing: _____

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Address

City

State

Zip Code

Telephone Number

E-mail Address